

PETITION FOR A WRIT OF HABEAS CORPUS BY A PERSON IN STATE CUSTODY

Name: Reed John
LAST FIRST MIDDLE INITIAL

Prisoner Number: BF3886

Institutional Address: P.O.BOX 705, Soledad, Ca. 93960

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

John Reed

Petitioner,

vs.

Smith, Warden (A) SCC; Martinez

Respondent(s).

Warden CTF; et al,

Case Number: _____
(Provided by the clerk upon filing)

PETITION FOR A WRIT
OF HABEAS CORPUS

I. INFORMATION ABOUT YOUR CONVICTION AND SENTENCE

A. What sentence are you challenging in this petition?

1. Name and location of court that imposed sentence (for example: Alameda County Superior Court, Oakland):

2. Court Alameda County Superior Court

3. Location 1225 Fallon St. Oakland, Ca. 94607

4. Case number, if known 175169

5. Date and terms of sentence 02/05/2018; twenty-one years

6. Are you now in custody serving this term? ("In custody" means in jail, on parole or probation, etc.) YES NO

If yes, provide name and address of institution:

Correctional Training Facility-Soledad (CTF)

P.O.BOX 705, Soledad, Ca, 93960

B. For what crime were you given this sentence?

Note: If your petition challenges a sentence for more than one crime, list each crime separately using California Penal Code numbers, if known. If you are challenging more than one sentence, you should file a different petition for each sentence.

(1) Ca. Pen. Code § 192(a) Voluntary Manslaughter

(2) Ca. Pen. Code § 12022.5 Additional punishment for
use of firearm

C. Did you have any of the following proceedings?

Arraignment: YES NO

Preliminary Hearing: YES NO

Motion to Suppress: YES NO

D. How did you plead? Guilty Not Guilty Nolo Contendere

Any other plea (specify) _____

E. If you went to trial, what kind of trial did you have?

Jury Judge alone Judge alone on a transcript

F. Did you testify at your trial? YES NO

G. Did you have an attorney at the following proceedings:

1. Arraignment YES NO

2. Preliminary hearing YES NO

3. Time of plea YES NO

4. Trial YES NO

5. Sentencing YES NO

6. Appeal YES NO

7. Other post-conviction proceeding YES NO

H. Did you appeal your conviction? YES NO

1. If you appealed, to what court(s) did you appeal?

1 Court of Appeal..... YES Year:____ NO

2 Result: _____

3 Supreme Court of California..... YES Year:____ NO

4 Result: _____

5 Any other court YES Year:____ NO

6 Result: _____

7 2. If you appealed, were the grounds the same as those that you are raising in this
8 petition?..... YES NO

9 3. Did the court issue an opinion?..... YES NO

10 4. Did you seek permission to file a late appeal under Rule 31(a)?..... YES NO

11 If you did, give the name of the court and the result: _____

12 _____
13 I. Other than appeals, have you previously filed any petitions, applications or motions with
14 respect to this conviction in any court, state or federal?..... YES NO

15 *Note:* If you previously filed a petition for a writ of habeas corpus in federal court challenging the
16 same conviction you are challenging now and if that petition was denied or dismissed with
17 prejudice, you must first file a motion in the U. S. Court of Appeals for the Ninth Circuit
18 for an order authorizing this court to consider this petition. You may not file a second or
successive federal habeas petition without first obtaining such an order from the Ninth Circuit.
28 U.S.C. § 2244(b).

19 If you sought relief in any proceeding other than an appeal, answer the following
20 questions for each proceeding. Attach extra paper if you need more space.

21 1. Name of court: _____

22 Type of proceeding: _____

23 Grounds raised (be brief but specific):

24 a. _____

25 b. _____

26 c. _____

27 d. _____

28 Result: _____ Date of result: _____

2. Name of court: _____

Type of proceeding: _____

Grounds raised (be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result: _____ Date of result: _____

3. Name of court: _____

Type of proceeding: _____

Grounds raised (be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result: _____ Date of result: _____

4. Name of court: _____

Type of proceeding: _____

Grounds raised (be brief but specific):

a. _____

b. _____

c. _____

d. _____

Result: _____ Date of result: _____

J. Is any petition, appeal or other post-conviction proceeding now pending in any court?

..... YES NO

Name and location of court: _____

1 II. GROUNDS FOR RELIEF

2 State briefly every reason why you believe you are being confined unlawfully. Give facts to
 3 support each claim. For example, what right or privilege were you denied? What happened?
 4 Who made the error? Avoid legal arguments with numerous case citations. Attach extra paper if
 5 you need more space. Answer the same questions for each claim.

6 *Note:* You must present ALL your claims in your first federal habeas petition. Subsequent petitions
 7 may be dismissed without review on the merits. 28 USC § 2244(b); *McCleskey v. Zant*, 499 U.S.
 467, 111 S. Ct. 1454, 113 L. Ed. 2d 517 (1991).

8 Claim One: CDCR deprived me of an expectation or interest
 9 created by prison regulations without due process.(continues)

10 Supporting facts: On 03/01/2023, I was approved for endorse-
 11 ment to SCC-I (CAMP) by CSR J. Rowan. this approval was
 12 to expire on 08/28/2023 and required a return to the CSR
 13 AUDITOR for re-authorization. Before the expiration(continues)

14 Claim Two: _____

15
 16 Supporting facts: _____

17
 18
 19
 20 Claim Three: _____

21
 22 Supporting facts: _____

23
 24
 25
 26 If any of these grounds was not previously presented to any other court, state briefly which
 27 grounds were not presented and why: _____

II. GROUND FOR RELIEF(continuation):

Claim One (continuation): The existence of a liberty interest created by prison regulations is determined by focusing on the nature of the deprivation. Sandin v. Connor, 515 U.S. 472, 481-484 (1995).

Supporting facts (continuation): date arrived, on 04/18/2023, I was subjected to a non committee endorsement by non CSR Auditors. The section of the non committee endorsement Auditor Comments states as follows: "Subject is endorsed for transfer from SCC to CTF per an agreement between Warden Smith (A) at SCC and Warden Martinez at CTF. Critical case factors relevant to subject's transfer were discussed by A Heusel C&PR (A) at SCC and J. Heastie C&PR at CTF. Subject's transfer to CTF has been approved by PMU due to not being a viable camp firefighter. No enemy concerns noted at CTF." Auditors Name:"N. Thompson; Auditor's Title: CCIII (A)"

On 04/23/2023, I submitted a multi-purpose form to CCI Raso, as follows: "Accord[ing] to title 15 § 3375 (c)-(e), (f)(1)(3)(4), I have been given a[n] adverse transfer without being present at the committee. Nor sign for absentia either..." the response to this multi-purpose form was: " You have been provided with all requested copies." prior to this request I was not given proper notification of re-authorization for transfer.

Pursuant to Ca. Code regs. Tit. 15 § 3379(a) transfer requirements. (1) "Unless exempted within this subsection, any incarcerated person transfer shall require a classification committee action and endorsement by a classification staff representative (CSR) or expedited transfer approval by the Chief of the Population Management Unit (PMU). A classification committee action and CSR endorsement is not required in the case of expedited transfers warranted under emergent circumstances, including but not limited to incarcerated person medical or mental health needs and transfers from

II. GROUNDS FOR RELIEF(continuation):

Supporting facts (continuation): One restricted housing unit to a similar restricted housing unit." (b) "Placement in level. An incarcerated person endorsed for any level placement and transferred to an institution with several levels shall be placed in the endorsed level within 60 days of arrival or shall be referred to the next scheduled CSR for alternative action. A warden or superintendent may temporarily place an incarcerated person in a facility of an institution for which the incarcerated person has not otherwise been endorsed. Such placement shall not exceed 30 days without CSR review and approval. Reason for such placement may include protection or medical needs of the incarcerated person, an incompleated investigation, disciplinary action, court proceedings, or a pending transfer." And (a)(4) " A warden or superintendent may temporarily suspend a scheduled incarcerated person transfer. such suspension shall constitute a classification action and be recorded on a chrono as provided by section 3375(a)(2) of these regulations, including the reason for the action and a recommendation for an alternative program assignment."

Pursuant to section 3375 (f)"The classification of incarcerated persons shall provide the following procedural safeguards: (1) Incarcerated persons shall be given written notice at least 72 hours in advance of a hearing which could result in an adverse effect. Adverse effect is defined as: (D) Involuntary removal from an assigned program. (E) Placement in a reduced work group. (F) Involuntary transfer to another institution/facility because of...new information that may affect staff, incarcerated persons...whether or not their placement score is consistent with the receiving institution's/facility security level."

II. GROUNDS FOR RELIEF(continuation)

Supporting facts(continuation): Pursuant to section 3375.(f)(3) "an in absentia (without incarcerated person's presence) classification hearings may only be held only when: (A) The incarcerated person refuses to appear before the committee. (B) The incarcerated person is physically incapable of appearing before the committee, or is determined by a psychiatrist to be mentally incompetent and cannot understand the purpose of the hearing. (C) The purpose of the hearing is to: 1. Improve the incarcerated person's conditions of confinement by reducing or removing a previously imposed restriction. 2. Approve an action requested in writing by the incarcerated person. 3. Determine the need for scheduling, or to schedule, a future classification committee action."

In this instant case the prison administrators allege that the expedited transfer was approved by the Population management unit on 04/18/2023. But section 3379(a)(4) clearly states that a suspension of an endorsed transfer by the warden constitutes a classification action; and it is established that I was endorsed to SCC on 03/01/2023, and that endorsement was to expire on 08/28/2023.

Section 3379(b) allows warden to transfer incarcerated person without endorsement for up to 30 days for protection, medical needs, investigation, disciplinary action, court proceedings or pending transfer; but the wardens failed to follow section 3379(a)(1) which states that under emergent circumstances the trans-fer must be to a "similar" housing unit.

Here I have been deprived of (1) proper notification before classification hearing (2) attendance of such hearing (3) Transfer to a similar housing unit (4) and Good time and work time credit earning opportunities because of the adverse transfer inwhich was made in violation of procedural safeguards, including section 3044.2 (a)(1) "Non-adverse

II. GROUNDS FOR RELIEF(continuation)

Supporting facts (continuation): transfers. A non-adverse transfer is movement of an incarcerated person to a less restrictive institution or program where the security level is the same or lower..." (c.f. section 3379 (a)(1))

Pursuant to 3044.2(a)(2)"...Incarcerated persons assigned to work group F shall revert to work group M effective the date removed from camp or institution fire fighter assignment or as appropriate per CCR 3044."

pursuant to section 3044 (b)(8) "Work Group M (minimum Custody or otherwise eligible for minimum Custody). Assignment to Work group M awards Good Conduct credit pursuant to subsections 3043.2(b)(5)(A) and 3043.2(b)(5)(B)"

I should have reverted to Work Group M upon removal from camp and received Good conduct credits pursuant to subsections 3043.2(b)(5)(A) and 3043.2(b)(5)(B). Yet I have not received the Good conduct credits due or further subsection 3332 (b) "Non-Disciplinary Restricted housing. (4) Incarcerated persons assigned to Work group (WG) M or F and designated NDRH shall retain their WG status in accordance with subsections 3044(b)(7)(D) and 3044(b)(8)(E). Privileges shall be in accordance with subsections 3044(c)(6)(A)1. and 3190(c)"

The prison administrators have ignored their regulations when it comes to applying the regulations to me. I should be receiving Two days of credit for every one day of incarceration (credit rate of 66.6%) per the above cited regulations. Yet I am not. and at the least I should be receiving credits in the rate of 50% and yet I am not.

this still does not remove or make moot the prison administrators failure to provide safeguards before transfer to CTF-Soledad From SCC-Camp.

1 _____
2 _____
3 List, by name and citation only, any cases that you think are close factually to yours so that they
4 are an example of the error you believe occurred in your case. Do not discuss the holding or
5 reasoning of these cases: Sandin v. Connor, 515 U.S. 472, 481-484
6 (1995)
7 _____
8 _____

9 Do you have an attorney for this petition?..... YES ☒ NO

10 If you do, give the name and address of your attorney: _____
11 _____
12 _____

13 WHEREFORE, petitioner prays that the court grant him/her the relief to which he/she may be
14 entitled in this action. I verify under penalty of perjury that the foregoing is true and correct.

15 Executed on:

16 11-19-24
17 *Date*

John Reid
Signature of Petitioner

EXHIBIT

A

STATE OF CALIFORNIA

GRIEVANCE

CDCR 602-1 (Rev. 01/22)

DEPARTMENT OF CORRECTIONS AND REHABILITATION

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STAFF USE ONLY	OGT Log No: <u>390098</u>	Date Received: <u>CTF RECEIVED</u>
	Decision Due Date: _____	<u>MAY 05 2023</u>
	Categories: _____	OFFICE OF GRIEVANCE

Claimant Name: John Reeci CDCR #: BF3886

Institution/Parole Region: CTF Salcedo Current Housing/Parole Unit: A-Lassen-B-222

STAFF USE ONLY

Use this form to file a complaint with the Department.

In order for the Department to understand your complaint, please answer all of the following questions:

- What is the nature of your complaint? violation of the method of recording violation of D.C.M. 1100.17
- When and where did the complaint occur? Salcedo to perform without training D.C.M. 3303.19 D.C.M. 3303.17 E.9) military-style discipline
- Who was involved? warden Smith (A), warden Martinez CTF, A. Heudel CTR (A) and J. Heerde CTR CTF
- Which specific people can support your complaint? CTF records staff
- Did you try to informally resolve the complaint? yes
- What rule or policy are you relying on to make your complaint? see below
- What specific action would resolve your complaint? audit request to D.C.M. 1100.13; 1100.13 Record 1100.13
enforcement to MSP MSP alternate Felson Reiner

NOTE: Attach documents that help support your complaint (identify the documents if you do not have them).

ON 04-18-2023 I WAS TRANSFERRED FROM SCL TO CTF IN A NON-COMMITTEE ENFORCEMENT BY SCL WARDEN SMITH (A) AND CTF WARDEN MARTINEZ. THE ACTION WAS AUDITED BY C.C.T.U. (A) N. THOMPSON. THE TRANSFER WAS APPROVED BASED ON THE SUBJECT NOT BEING A VIABLE FIREFIGHTER. (SEE AUDITED COMMENTS DOCUMENTED 04-18-2023)

I HAVE AND HAD A MEDICAL FUNCTIONAL CAPACITY OF FULL DUTY, WHICH IS A QUALIFICATION FOR ALL INSTITUTIONAL ASSIGNMENTS (INCLUDING SCL). PER D.C.M. 237.10 ATTACHMENTS APPENDIX 1 (C)(2)(13) AND APPENDIX 3 FIRE CAMPS SPECIAL SKILLS NON-FIREFIGHTERS ASSIGNMENTS I FIT THE REQUIREMENTS

THERE ARE MANY REASONS WHY AN INMATE MIGHT BE TRANSFERRED TO A DIFFERENT PRISON. A TRANSFER MIGHT BE NECESSARY TO MEET SOMEONE'S MEDICAL NEEDS. IT IS NOT SO IN THIS CASE. A TRANSFER MIGHT ALSO OCCUR FOR ADMINISTRATIVE REASONS SUCH AS TO CHANGE A FACILITY'S MISSION OR TO PROVIDE PROGRAM INTERIORS, BUT NO SINGLE INMATE SHOULD BE TARGETED WHEN THAT INMATE HAS A FULL DUTY CLASSIFICATION FACTOR.

WHEN I WAS TRANSFERRED IT WAS NOT A NON-ADVERSE TRANSFER, AS I NO LONGER REQUIRE WORK UNIT PLACES. PER TITLE 15 C.C.R. 3044.2 (2)(1)(2) IMPACT ON TRANSFER WORK UNIT. WHEN A TRANSFER HAPPENS AND NO MISBEHAVIOR IS INVOLVED, THERE IS NO IMPACT ON

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STATE OF CALIFORNIA
GRIEVANCE
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CONTINUATION PAGE

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THE WORK GROUP. SEE ALSO IN RE REINOLD (1985) 171 CAL. APP. 3D 632, 644.
 NOTE THAT ONLY ASSIGNMENT TO WORK GROUPS FOR M INCREASES CREDITS TO INLETOR
 CASE. (SEE TITLE 15 C.C.R. 3044(b)(7)(B)(D)(F) & (B)(A)(B)) AND "ALL RE-
 ASSIGNMENTS TO A WORK GROUP SHALL BE APPROVED BY ⁵⁷² A CLASSIFICATION COMMITTEE"
 (SEE TITLE 15 C.C.R. 3044(b)) MY TRANSFER WAS A ABAL COMMITTEE ACTION!
 BETWEEN WARDENS. (SEE ENCLOSEMENT 04/18/2023)

PER D.C.M. 71010.4 "IT IS THE RESPONSIBILITY OF THE CASE
 RECORDS STAFF TO ANALYZE GOOD BEHAVIOR CREDITS"

PER D.C.M. 71010.7 "VARIATIONS IN THE METHODS OF RECORDING
 ... SHALL NOT OCCUR. [THE] CSR SHALL CHECK ALL FILES REVIEWED TO
 ENSURE THE MATERIAL IN SUCH FILES IS IN THE ORDER SPECIFIED AND THAT
 REASONABLE EFFORT IS BEING MADE TO BRING ABOUT UNIFORMITY."

MY REASSIGNMENT IS ILLEGAL DUE TO VIOLATION OF THE
 ABOVE REGULATIONS AND D.C.M. POLICIES

REFER TO RLP5-2038 DATED 03/21/2023

Claimant Signature: _____

Date Signed: _____



CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

OFFICE OF GRIEVANCES DECISION

LA-220

Offender Name: REED, JOHN

Date: 05/10/2023

CDC#: BF3886

Current Location: CTF-Facility A

Current Area/Bed: A LA A2 - 222001L

Log #: 000000396098

Claim #: 001

Received at Institution/Parole Region: Correctional Training Facility

Submitted to Facility/Parole District: Correctional Training Facility

Housing Area/Parole Unit:

Category: Offender Classification

Sub-Category: Transfer Issue or Transfer Requests

The California Department of Corrections and Rehabilitation received your grievance on 05/05/2023 which you submitted on 05/05/2023. Your claim regarding Offender Classification; Transfer Issue or Transfer Requests was reassigned to the Office of Grievances at Sierra Conservation Center in accordance with the California Code of Regulations, title 15.

The Office of Grievances at Sierra Conservation Center will respond separately to your claim on or before 07/05/2023.

If you are dissatisfied with this response you may appeal this decision by mailing the CDCR Form 602-2 included in this response to the California Department of Corrections and Rehabilitation, Office of Appeals. Do not resubmit this claim to the Office of Grievances.

Decision: Reassigned

MULTI-PURPOSE FORM

CC I Raso
(Name)CC I
(Title)

DATE: 4-23-23

- ☐ MEDICAL CONCERN
- ☐ DENTAL CONCERN
- ☐ VISITING CONCERNS
- ☐ REQUEST FOR INTERVIEW
- ☐ PACKAGE ROOM
- ☐ REQUEST TO REVIEW CENTRAL FILE
- ☐ FAMILY HOUSING UNIT VISIT INTERVIEW
- ☐ TRUST OFFICE: Request for metered envelopes (No funds)
- ☐ E.P.R.D.: You should be within six (6) months of release date to inquire

- ☐ TRUST ACCOUNT BALANCE \$
- ☐ TRUST ACCOUNT WITHDRAWAL
- ☐ REQUEST FOR CELL CHANGE
- ☐ REQUEST FOR CHAPLAIN INTERVIEW
- ☐ REQUEST FOR LAW LIBRARY
- ☐ PACKAGE ROOM OFFICER
- ☐ MEDICAL CLEARANCE REQUEST

REASON FOR REQUEST (Be specific: Explain your problem):

Accordingance to H1 15 3375. (C)-(F) (1) (3) (4)
 I have been given a adverse Transfer without being present at the Committee. Nor Sign for
 attention either. I believe this is abuse of Authority. I'm trying to work this out internally. I would like
 to be endorsed to Felson Parnes to resolve this issue. I have 0 points and RIR's I was told in the group
 you have been provided with all requested copies. As previously informed, your
 transfer was not illegal but you have the right to appeal.

CAMP NAME:

INMATE NUMBER:

CELL:

ASSIGNMENT:

HOURS:

RDOs:

CITIZENRY



CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

AUDITOR ACTION

Inmate Name: REED, JOHN

Date: 03/01/2023

CDC#: BF3886

Security Level: Level 1 (0)

Facility: SOL-Facility A

Audit Type: Transfer Endorsement (between Institutions)

Audit Result: Endorsed

Administrative Determinants:

Critical Work Skill (Removed/Disapproved)

Transfer Endorsement

☒ Life Prisoner

BPH Hearing Date:

☐ Condemned ☐ LWOP ☒ N/A

Enemy Concerns

☒ Offender Separation Noted ☐ No Comment

☐ Offender Separation Clear

☐ Enemy at Receiving Institution

☐ SNY

"R" Suffix Issues

☐ "R" Suffix Noted ☐ "R" Suffix Read ☒ N/A

Other Case Factors

☐ VIO ☐ ESC ☐ Sex ☐ Arson ☐ Computer

Close Custody

☐ Close ☒ N/A

"S" Suffix Issues

☐ Suffix Noted ☐ Single Cell Rx

☐ Endorsement is based on Dept Need

☐ Hardship ☐ Redirect Tx ☐ Re-affirm Tx

☒ Prior CSR concerns have been addressed

☐ Prior CSR action is recinded

MHSDS Issues

☐ CCCMS ☐ Remove from MHSDS

Date: 12/01/2022

☐ EOP ☒ No MHSDS Needs

Clinical Category Issues

☐ I ☐ II ☒ N/A

☐ Madrid Clearance

Date:

☐ Restricted - Coccol Area 1

☒ Restricted - Coccol Area 2

☐ N/A

Transport
Precaution
Code

DPP Issues

☐ DPW (Wheelchair) ☐ DPM (Mobility) ☐ DPV (Vision) ☐ DPH (Hearing)
☐ DPS (Speech)
☐ DPO (Other) ☐ DNM ☐ DNV ☐ DNH ☐ DNS
☐ DLT ☐ DKD

92

DDP Issues

Detainers

☒ NCF ☐ NDD ☐ DD1 ☐ DD2 ☐ DD3 ☐ N/A
 Date: 11/17/2004

☐ ICE Potential
☐ Other Potential

☐ ICE Active
☐ Other Active

☐ Felony
☐ Misdemeanor

Confidential Folder

☐ Clear ☒ Information Noted ☐ No Comment

Miscellaneous Issues/Comments

☐ This is a Retention ☐ Retain ASU (180 days) pending Transfer
☐ Transfer upon MERD expiration ☐ Case conferenced with a CSU Manager

Institution
Approved:

Sierra Conservation Center

Program:

SCC-I(Camp)

Override Reason:

ZZZ-None

This transfer approval expires on 03/28/2023 and will require return to Auditor for re-authorization.

Comments:

ENDORSED SCC-I (CAMP) SUBJECT WAS ADVISED OF NDPF EXPECTATIONS.
 CASEWORK FOLLOW-UP: UPDATE THE SPECIAL PROGRAM SCREENINGS.

AUDITOR

J. Rowan

CSR

03/01/2023

Name:

Title

Date

CDCR SOMS ICCT164 - Auditor Action



CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

NON COMMITTEE ENDORSEMENT

Inmate Name: REED, JOHN

Date: 04/18/2023

CDC#: BF3886

Security Level: Level 1 (0)

Facility: SCC-Facility B

Auditor Action

Audit Type:

Warden-to-Warden Agreement

Administrative Determinant			
Type	Status	Comments	

Transfer Endorsement

Institution Approved: Correctional Training Facility

Program: CTF-NA(NCE)

Override Reason: ZZZ-None

Decision Date: 04/18/2023

Expiration Date: 05/19/2023

Auditor Comments

Subject is endorsed for transfer from SCC to CTF per an agreement between Warden Smith (A) at SCC and Warden Martinez at CTF. Critical case factors relevant to subject's transfer were discussed by A Heusel C&PR (A) at SCC and J. Heastie C&PR at CTF. Subject's transfer to CTF has been approved by PMU due to not being a viable camp firefighter. No enemy concerns noted at CTF.

Auditor Name: N. Thompson

Auditor Title: CCIII(A)

Audit Result: Endorsed

N. Thompson

04/18/2023

Date

CDCR SOMS ICCT165 - Non Committee Endorsement



CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

OFFICE OF GRIEVANCES DECISION

Offender Name: REED, JOHN

CDC#: BF3886

Current Location: CTF-Facility A

OOA RECEIVED

Date: 06/23/2023

JUL 14 2023

Current Area/Bed: A LA A2 - 222001L

Log #: 00000397504

Claim #: 001

Received at Institution/Parole Region: Sierra Conservation Center

Submitted to Facility/Parole District: SCC-Facility A

Housing Area/Parole Unit:

Category: Offender Classification

Sub-Category: Transfer Issue or Transfer Requests

I. CLAIM

You claim you were transferred to Correctional Training Facility (CTF) involuntarily and without having been seen by a Unit Classification Committee (UCC) which you state is against policy.

II. RULES AND REFERENCES

A. CONTROLLING AUTHORITY

California Code of Regulations (CCR) Title 15, Section 3379, Inmate Transfers
Departmental Policy Memorandum dated November 23, 2016

B. DOCUMENTS CONSIDERED

Non Committee Endorsement dated April 18, 2023

III. REASONING AND DECISION

You were transferred from Sierra Conservation Center (SCC) to CTF through a Warden to Warden agreement which is recorded on a Non Committee Endorsement (NCE) and does not utilize the UCC process. Pursuant to CCR Title 15, Section 3379, Inmate Transfers, transfers are usually required to be referred through a UCC, however exempted circumstances, including emergent circumstances, do not require a UCC for transfer approval. At the time of your transfer, SCC was in a bed space emergency, meaning there were no available beds for scheduled intake and no room to house any more inmates. SCC was also at maximum capacity for non-firefighters at Camp, and at the time could not house any more special skills or utility inmates at camp. Over the period of three weeks, SCC sent approximately 150 non-firefighter inmates to alternate institutions at the approval of the Population Management Unit and within policy as described in CCR Title 15, Section 3379, Inmate Transfers and the November 23, 2016 policy memorandum.

IV. Comments

There were no policy violations therefore, this grievance is denied.

Decision: Denied

After a thorough review of all the documents and evidence presented to the Office of Grievances, it is the order of the Office of Grievances to DENY this claim.

If you are dissatisfied with this response you may appeal this decision by mailing the CDCR Form 602-2 included in this response to the California

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STATE OF CALIFORNIA
APPEAL OF GRIEVANCE
CDCR 602-2 (Rev. 01/22)

JUL 14 2023

DEPARTMENT OF CORRECTIONS AND REHABILITATION

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STAFF USE ONLY	OGT Log No: <u>000000397504</u>	Date Received: _____
	Decision Due Date: _____	
	Categories: _____	

Claimant Name: REED, JOHN CDCR #: BF3886
 Institution/Parole Region: CTF-Facility A Current Housing/Parole Unit: A-LA-222001L

STAFF USE ONLY

OOA Review

Imminent Risk: Y 10 ✓COG Notification: Y 11 ✓Initials: N Date: 7/14 ✓Use this form to appeal a decision or a remedy by the Office of Grievances.

Do not include new complaints on this form, they must first be filed with the Office of Grievances on a Form 602-1.

OGT Log No: 000000397504 Claim No: T

Explain the reason for your appeal. Be as specific as you can.

I am dissatisfied with the response I was given because R. Vincent omitted facts in his findings and response. Falsification of records (D.O.M. 33030.19 E.9) through D.O.M. 33030.190. Mr. Vincent willingly and knowingly chose to address two of my claims. However, if you refer to attached documents, I was declared as a (Administrative Determinant, this is a false statement as well as stating that my transfer is a non-adverse.) All untrue. Who will protect us from collusion and cover-ups? This non-committee action has had a huge adverse effect on my program clearly. I appeal this decision. Refer to attachment.

This form shall be submitted by mail to:
 Office of Appeals
 Department of Corrections and Rehabilitation
 P.O. Box 942883
 Sacramento, CA 95811

IMPORTANT:

The Office of Appeals will consider all of the supporting documentation you previously submitted to the Office of Grievances when reviewing your appeal, but will not consider any new documentation.

Therefore, it is recommended you not attach any documentation to this form.

Furthermore, any documentation you attach to this form will not be returned to you.

Claimant Signature: John ReedDate Signed: 7-9-23

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STATE OF CALIFORNIA
APPEAL OF GRIEVANCE
CDCR 602-2 (Rev. 01/22)

CONTINUATION PAGE

DEPARTMENT OF CORRECTIONS AND REHABILITATION

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OGT Log No: 000000397504

Claim No: _____

Explain the reason for your appeal. Be as specific as you can.

I am dissatisfied with the response I was given because _____

OOA RECEIVED
JUL 14 2023

ADA Accessible



CALIFORNIA DEPARTMENT of
Corrections and Rehabilitation

CTF RECEIVED

SEP 15 2023

OFFICE OF APPEALS DECISION

Offender Name: REED, JOHN

Date: 09/10/2023

CDC#: BF3886

Current Location: CTF-Facility A

Current Area/Bed: A LA A2 - 222001L

Log #: 000000397504

Claim # 001

Received at Institution/Parole Region: Sierra Conservation Center

Submitted to Facility/Parole District: SCC-Facility A

Housing Area/Parole Unit:

Category: Offender Classification

Sub-Category: Transfer Issue or Transfer Requests

I. ISSUE ON APPEAL

Appellant disagrees with transfer from Sierra Conservation Center to Correctional Training Facility because they were eligible for all assignments at Sierra Conservation Center and Camp Special Skills assignments.

II. RULES AND REFERENCES

A. CONTROLLING AUTHORITY

Title 15, sections 3375, 3376, and 3379; Penal Code, section 5068

B. DOCUMENTS CONSIDERED

Offender Grievance Tracking, log no. 397504; Non-Committee Endorsement, dated April 18, 2023

III. REASONING AND DECISION

Appellant was transferred from Sierra Conservation Center to Correctional Training Facility because space was needed to accommodate intake of firefighter eligible inmates. It is noted Sierra Conservation Center is responsible for training and maintaining the population at all fire camps which is the priority. Appellant is not eligible for firefighting duty and was identified for transfer to an alternate location because there is not a current need for special skills workers. This is consistent with Penal Code, section 5068 which provides the Department flexibility to manage its population based on the availability of programs and housing. Based on a preponderance of evidence available at the time of review there was no violation of policy. For these reasons this claim is denied.

IV. REMEDY

Your claim has been denied. Therefore, there is no applicable remedy.

Decision: Denied

After a thorough review of all documents and evidence available at the time of this written decision, it is the order of the Office of Appeals that this claim is denied. This decision exhausts the administrative remedies available to the claimant within CDCR.

Staff Signature	Title	Date/Time
H. Mosley [MOHC002]	Reviewing Authority	09/09/2023

1 THE SUPERIOR COURT OF THE STATE OF CALIFORNIA

2 COUNTY OF MONTEREY

3 ELECTRONICALLY FILED BY
4 Superior Court of California,
5 County of Monterey
6 On 12/05/2023
7 By Deputy: Jimenez, Teena

8 In re John Reed,

Case No. 23HC000130

9 On Habeas Corpus.

10 ORDER

11 On November 14, 2023, John Reed, an inmate in the custody of the California Department
12 of Custody and Rehabilitation ("CDCR"), filed a petition for writ of habeas corpus, alleging that,
13 when he was transferred between prisons, CDCR failed to issue him "time credits." The petition
14 does not specify what type of credit or how much credit petitioner was allegedly denied.
15 Petitioner's administrative grievance, attached, alleged that petitioner was "targeted" and that,
16 because his transfer should not have affected his work group, he was entitled to work group credits.
17 However, neither the petition nor the administrative grievance specify what petitioner's work
18 group was, except to state that petitioner was eligible for "full duty." The first level response
19 thereto noted that approximately 150 inmates were transferred due to a bed space emergency.
20 Further responses were not attached to the petition.

21 A petitioner in habeas must make sufficient allegations and "include copies of reasonably
22 available documentary evidence supporting the claim." (*People v. Duvall* (1995) 9 Cal.4th 464,
23 474.) "Conclusory allegations made without any explanation of the basis for the allegations do
24 not warrant relief, let alone an evidentiary hearing." (*Ibid.*) Furthermore, a petitioner must
25 exhaust administrative remedies before resorting to habeas. (*In re Strick* (1983) 148 Cal.App.3d
906, 911.)

1 The petition fails to include adequate allegations or documentation. Without the final
2 response to petitioner's administrative grievances, this court cannot determine whether
3 administrative recourse was adequate or administrative remedies were exhausted. Furthermore,
4 petitioner has not stated the specific quantity of credits to which he believes he is entitled, and
5 therefore it would be impossible for the court to make an order sufficiently specific to address
6 the claim raised in the petition. Finally, although petitioner's administrative grievance refers
7 work group credits, the petition does not specify to which work group petitioner was assigned.
8 The petition does not allege that petitioner has been refused a wait list or similar status or been
9 improperly classified.

10 Turning to substantive law, prisoners have no fundamental right to classification or
11 assignment within the prison system. (*Moody v. Daggett* (1976) 429 U.S. 78, 87 fn. 9.) Habeas
12 may be used to challenge custody credits, which are largely mandated, but classification scores
13 (and, by way of analogy, work group assignments) are generally left to the discretion of prison
14 authorities. (*In re Jenkins* (2010) 50 Cal.4th 1167, 1178.)

15 CDCR also appears to have followed all relevant regulations. Regarding transfer and
16 work groups, transfer is normally cleared by a committee, but a committee hearing may be
17 bypassed during exigent circumstances. (Tit. 15, Cal. Code regs., § 3379, subd. (a)(1).) Non-
18 adverse transfers do not affect work or privilege group status except for Work Group F members
19 (tit. 15, Cal. Code regs., § 3044.2, subd. (a)(2)) and eligible transferred inmates are to be placed
20 on wait lists and given priority for assignments depending on a variety of factors (*id.*, subd.
21 (a)(3)). The petition does not allege these procedures were not followed.

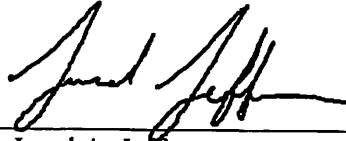
22 Finally, the transfer bypassed a committee due to exigent circumstances and petitioner
23 does not appear to have been "singled out" or unfairly targeted in any way.

24
25 ///

1 For the foregoing reasons, the petition is DENIED.

2 IT IS SO ORDERED.

3
4 Dated: 12/4/2023

A handwritten signature in black ink, appearing to read "Jared A. Jefferson", written over a horizontal line.

Hon. Jared A. Jefferson
Judge of the Superior Court

IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
SIXTH APPELLATE DISTRICT

In re JOHN REED on Habeas Corpus.

H051870

Monterey County Super. Ct. No. 23HC000130

BY THE COURT:

The petition for writ of habeas corpus is denied.

(Bamattre-Manoukian, Acting P.J., Wilson, J., and Bromberg, J.
participated in this decision.)

Date: 04/08/2024

Patricia Bamattre Manoukian Acting P.J.

SUPREME COURT
FILED

AUG 21 2024

Jorge Navarrete Clerk

S284854

Deputy

IN THE SUPREME COURT OF CALIFORNIA

En Banc

In re JOHN REED on Habeas Corpus.

The petition for writ of habeas corpus is denied.

GUERRERO

Chief Justice

RETURN OF SERVICE
BY PERSON IN STATE CUSTODY
(C.C.P. §§ 1011, 1013 (A), 2015.5; F.R.C.P. 5; 28 U.S.C. § 1746)

I, John Reed, declare:

I am over 18 years of age, and am a party to this action. I am a resident of the Correctional Training Facility Prison in the County of Monterey, State of California. My prison Address is:

CDCR #: BF3886

Correctional Training Facility
P.O. Box 705, Cell #: LA-A-222L
Soledad, Ca. 93960-0705

On 12-2-24, I served the Attached:

Petition for a writ of Habeas
Corpus

On the parties herein by placing true, and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, verified by, and given to prison staff *, for deposit in the United States Mail provided at the above-named Correctional Institution in which I am presently confined.

The envelope was addressed as follows:

Office of the Clerk, U.S.
District Court Northern District
of California 1301 Clay Street,
400 S. Tower Oakland, Ca. 94612-5212

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true, and correct.

Executed on: 12-2-24

John Reed
(Declarant's Signature)

* Please, note that according to the prison mail box rule, the document(s) mentioned herein is considered filed the day it is handed over to prison authorities for mailing to the court. See Huizar v. Carey (9th Cir. 2001) 273 F. 3d 1220, 1221; Moore v. Twomey (2004) 120 Cal. App. 4th 910, 913-918. Houston v. Lack 487 U.S. 266 (1988, U.S.)